

P 131512Z MAY 09  
FM USEU BRUSSELS  
TO SECSTATE WASHDC PRIORITY  
INFO EU MEMBER STATES COLLECTIVE PRIORITY  
DEPT OF JUSTICE WASHDC PRIORITY  
DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY  
NSC WASHDC PRIORITY

C O N F I D E N T I A L USEU BRUSSELS 000681

NOFORN

STATE FOR EUR, INL, INL/PC, INL/AAE, EUR/ERA, L/LEI;  
JUSTICE FOR OFFICE OF ATTORNEY GENERAL, CRIMINAL DIVISION,  
OFFICE OF INTERNATIONAL AFFAIRS;  
HOMELAND SECURITY FOR DEPUTY SECRETARY, OFFICES OF POLICY  
AND INTERNATIONAL AFFAIRS

E.O. 12958: DECL: 02/13/2019  
TAGS: [PREL](#) [KCRM](#) [PTER](#) [EUM](#)  
SUBJECT: APRIL 28 U.S.-EU JUSTICE AND HOME AFFAIRS  
MINISTERIAL MEETING IN PRAGUE

Classified By: COUNSELOR FOR INTERNATIONAL NARCOTICS AND  
LAW ENFORCEMENT JAMES MCANULTY FOR REASONS IN 1.4 B AND D

-----  
SUMMARY  
-----

¶1. (C) U.S. and European Union (EU) Cabinet Ministers engaged in a wide-ranging discussion of counter-terrorism, law enforcement, and border security issues at the April 28 U.S.-EU Justice and Home Affairs (JHA) Ministerial Troika meeting in Prague. The EU side welcomed the Attorney General's declarations on Guantanamo detainees, including announcement that the U.S. would accept some detainees currently at Guantanamo. The major issue of disagreement involved the role of redress in data privacy issues, with the EU insisting on a change to the U.S. Privacy Act as a "precondition" for obtaining a mandate to negotiate a binding international agreement on data privacy. END SUMMARY.

-----  
PARTICIPANTS  
-----

¶2. (U) U.S. Attorney General (AG) Eric H. Holder and U.S. Deputy Secretary of Homeland Security Jane Holl Lute chaired the U.S. Delegation, which included Department of State (DOS) Assistant Secretary for European Affairs (EUR) and Special Envoy for Guantanamo Detainees Daniel Fried, Deputy Assistant Attorney General Bruce Swartz of the Department of Justice (DOJ), Chief of Staff and Counselor to the AG Kevin A. Ohlson, Department of Homeland Security (DHS) Deputy Assistant Secretary for International Affairs Mark Koumans, Embassy Prague Charge Mary Thompson-Jones, Counselor to the AG Dorothy A. Jeffress, Special Counsel to the AG Matthew G. Olsen, Senior Justice Counselor for the EU and International Criminal Law Mary Lee Warren of the U.S. Mission to the EU (USEU), USEU Counselor for International Narcotics and Law Enforcement Affairs (INL) James McAnulty, USEU DHS Attache Jackie Bednarz, National Security Council (NSC) Director for Counter-Terrorism Elizabeth Farr, and DOS Attorney-Advisor Steve Pomper.

3.(U) Minister of Interior Ivan Langer and Minister of Justice Jiri Pospisil of the Czech Republic, on behalf of the EU Council Presidency, and EU Vice President (VP) and Commissioner for Justice, Freedom, and Security (JLS) Jacques Barrot led the EU Delegation, which included Minister of Justice Beatrice Ask of Sweden, Minister for Asylum and Migration Tobias Billstrom of Sweden, Deputy Minister of Justice Tomas Bocek of the Czech Republic, European Commission JLS Director General Jonathan Faull, Council Secretariat Justice and Home Affairs (JHA) Director General Ivan Bijak, EU Counter-Terrorism Coordinator Gilles de

Kerchove of the Council Secretariat, Commission Officer Laurent Muschel, European Police Office (EUROPOL) Director Robert Wainwright, EU External Border Management Agency (FRONTEX) Director Ilkka Laitinen, JHA Counselor Hans Nilsson of the Swedish Permanent Representation (PermRep), Swedish Ministry of Justice EU Affairs Director Tora Wigstrand, European Judicial Coordination Unit (EUROJUST) Representative Malci Gabrijelcic, Commission Special Advisor Luigi Soreca, Council Secretariat JHA Administrator Wouter van de Rijt, and Commission Transatlantic Relations Officer Heike Busse.

-----  
TRANSATLANTIC RELATIONS  
-----

14. (C) Czech Interior Minister Langer welcomed the U.S. Delegation, noting the critical importance of deepening transatlantic cooperation on terrorism and law enforcement. He listed visa reciprocity, use of new technology, countering terrorism, and sharing information as key challenges. Commission VP Barrot welcomed the opportunity to establish a "new dimension" in transatlantic relations. He said the transatlantic partnership should be built on new foundations and called for a political dialogue on operational cooperation to be followed by a formal agreement on a transatlantic partnership. AG Holder committed the U.S. Government to following the rule of law and listening to allies and partners, even and especially when differences arise. He called for concrete proposals, responses, and results. As for the transatlantic dialogue agreement, he asked that the EU provide a draft text for the U.S. to study. He could support a declaration or statement of objectives in the future, but he directed U.S. law enforcement and justice personnel to work now on finding means of expanding and deepening the transatlantic relationship. The new administration continued to study its priorities, but he viewed terrorism, transnational crime, cyber-crime, and protection of children as important challenges or objectives for both sides. Minister Langer anticipated that the U.S. and EU would soon issue a joint declaration or memorandum on Guantanamo detainees. He praised the work of both governments in discussing data privacy principles that could form the basis of a binding agreement, as early as during the upcoming Swedish Presidency (which runs from July 1 to December 31 this year). (COMMENT: While EU officials showcased this initiative before the Ministerial as important to them, participants addressed this issue in a cursory way, given the AG's mention of the new administration's ongoing review of priorities. Notably, the sides reached no understanding on preparing such an agreement. END COMMENT.)

-----  
MUTUAL LEGAL ASSISTANCE AND EXTRADITION AGREEMENTS  
-----

15. (C) Justice Minister Pospisil noted that the Czech Presidency has pushed forcefully for ratification of the U.S.-EU Mutual Legal Assistance (MLA) and Extradition Agreements. Italy had concluded its national ratification procedures earlier this year, while Belgium and Greece had yet to finish their procedures. Regarding Belgium, both houses of the Parliament were considering these agreements with approval projected for June or July. Regarding Greece, authorities there had submitted the agreements to their Parliament, but they refused to provide an estimated date for approval. VP Barrot predicted that Belgium would give its approval soon, and he said he would continue to press Greece. EUROJUST Representative Gabrijelcic reviewed preparations for implementation of these important agreements, as a follow-up to the successful seminar that EUROJUST, the Commission, and DOJ had sponsored for practitioners last November at the Hague. Participants in a March 6 digital video conference (DVC) established an implementation Working Group to work on next steps. The Working Group scheduled to meet again in May, will prepare standard models for setting up Joint Investigative Teams (JITs), which will play important roles under the MLA. Describing EUROJUST as the

primary EU contact point for MLA implementation, Barrot pressed the AG to appoint a full-time liaison to EUROJUST. AG Holder designated USEU Senior Justice Counselor as his personal representative to EUROJUST. He stressed the importance of ratifying both the MLA and Extradition agreements soon, lamenting that an EU Member State had recently released a long-sought U.S. fugitive, because the current extradition agreement available for that country, dating from 1902, did not contemplate child molestation among its listed offenses. Langer agreed on the necessity to ratify these agreements soon, acknowledging that he had seen many criminal cases affected by delay in ratification.

-----  
GUANTANAMO  
-----

¶16. (C/NF) AG Holder expressed appreciation for EU work towards achieving a supportive environment for accepting detainees at Guantanamo and for sharing information among Member States. He reiterated the Administration's commitment to close the Guantanamo facility in one year. He declared that, while the U.S. largely created the problem, the solution must involve efforts and sacrifices of all friends and allies. The administration had created three separate Task Forces working on related issues -- (1) individual case reviews of the detainees at Guantanamo, (2) reviews of the laws and policies that underlay the Guantanamo detentions and interrogations, and (3) review of the U.S. military's manual on permissible interrogation procedures. He pledged to release as much information as possible on detainees, including their past conduct and reasons for their detention. He urged more Member States to step forward to accept detainees.

¶17. (C/NF) The AG declared that the U.S. Government would not ask allies and partners to undertake any actions that the U.S. was not ready itself to undertake. Accordingly, he remarked, the U.S. will take into its borders "some number" of detainees currently held at Guantanamo. MOI Langer welcomed this information, noting that some EU colleagues had stated repeatedly that they would be willing to accept detainees, if the U.S. also agreed to do so. Barrot observed that this information would facilitate EU decision-making and build a climate of confidence. He pledged to convince as many Member States as possible to accept detainees. (COMMENT: EU colleagues appreciated the AG's remarks on Guantanamo, which clearly represented the high point of the Ministerial meeting's discussions. END COMMENT.)

8 (C) Langer expressed appreciation for answers that the U.S. Government had provided to questions that he and his colleagues had posed during their March visit to Washington. Under the envisioned "coordinated approach," the EU would facilitate and provide a supportive context for individual Member States to decide whether to accept detainees. Information sharing would be key to the process, and an experts group has worked on an information-sharing arrangement, under which every country would have access to the same types of information. VP Barrot reiterated appreciation for the U.S. responses, noting that such action had allowed the EU to start its internal process. He inquired about the status of U.S. reviews.

¶19. (C/NF) Holder introduced Special Assistant Olsen, whom he had appointed to oversee the three U.S. inter-agency Task Forces reviewing the files of some 240 detainees currently held at Guantanamo. Olsen disclosed that the Task Forces gave priority to reviewing the files of detainees whom U.S. courts have ordered to be released as well as to those who could not return safely to their home countries. The first category involved 20 individuals, including 17 Chinese Uighurs. Recalling the previous day's productive meeting with EU officials, he noted that the U.S. had approved two for transfer and planned to approve additional transfers the following week. As he had mentioned in his status report to the President the previous Friday, such decisions would occur

on a "rolling basis."

-----  
RADICALIZATION AND RECRUITMENT  
-----

¶10. (C) Langer identified efforts against radicalization and recruitment as among his country's top national security priorities. Noting that the U.S. and EU had different legal systems but the same objectives, he inquired about U.S. legislation and techniques, including legal limitations. The EU planned to sponsor a seminar on Internet abuse by extremists and terrorists May 12 in Brussels. AG Holder agreed on the priority, urging even closer transatlantic cooperation. He confirmed that officials from the DOJ Counter-Terrorism Section would participate. While governments have traditionally focused on radicalization and recruitment in prisons, houses of worship, and schools, he suggested greater focus on self-radicalization. He expressed support for EU efforts, including the EU's simultaneous attention to and protection of civil liberties. According to police and intelligence reports, the radicalization phenomenon included European citizens traveling to battle zones and returning with the intent to engage in terrorist acts. Nations must work together to disrupt such activities.

DHS Deputy Secretary Lute added that her Department's efforts included a wide range of initiatives in cooperation with DOJ, DOS, non-governmental organizations, and advocacy groups. She emphasized the need to move beyond talking to concrete actions. She pledged DHS participation in the May 12 conference and committed to sharing a series of studies that DHS sponsored on this subject.

¶11. (C) EUROPOL Director Wainwright, who had just assumed his new position, welcomed the opportunity to work with long-time DOJ friends. Noting that EUROPOL engaged in strategic analysis with representatives from every major European law enforcement agency, he said he wanted to turn such analyses into operational actions. He offered EUROPOL as a gateway into the EU, as a complement to U.S. bilateral cooperation with Member States. Noting his awareness of current restrictions to sharing information, he pledged to do all he could to overcome at least some of the obstacles. Remarking that efforts against terrorism remained a top EUROPOL priority, he cited his agency's "Check the Web" initiative as a simple but effective tool to monitor Internet web sites for terrorist propaganda, develop a library of groups abusing the Internet, and add to our analytical capability. He hoped to extend access to the United States, which, he acknowledged, has supplied valuable information on terrorist fighters returning from Iraq. Wainwright took note of the AG's suggestion on home-grown radicalization.

12, (C) VP Barrot mentioned that the Commission had financed four comparative studies on radicalization and recruitment on (1) radicalization among youth, (2) ideology of extremists, (3) methods to recruit individuals, and (4) best practices against radicalization. The Commission planned to publish these studies on its web site by September. De Kerchove said the EU had sought recently to criminalize additional activities linked with terrorism, including active participation in terrorist training and public provocation. He understood U.S. First Amendment limitations but hoped that the U.S. and EU could find common ground. Germany has worked with service providers to counter Internet abuse, Spain has identified best practices for training moderate Imams, and the Netherlands has focused on the role of local authorities in fighting radicalization. Sweden and Belgium have sought to foster greater ties between their intelligence agencies and local police, and the UK has examined the process involved in pushing radicals toward violence. He praised U.S. cooperation, particularly sharing of information on terrorist fighters returning from Iraq, which he suggested should expand to fighters returning from Afghanistan and Pakistan. De Kerchove urged that the U.S. and EU focus more resources on terrorism prevention in third nations, particularly Pakistan.

¶13. (C) Praising existing, well-developed, transatlantic efforts to share knowledge and experiences, DHS Deputy Secretary Lute urged governments to explore jointly ways to implement best practices in communities. She cited development of Incident Reaction Teams in the U.S. as an initiative worthy of emulation. AG Holder praised the growing role of local police in the U.S. in collecting information on terrorist groups and activities, in place of earlier, exclusive reliance on federal agencies. In serving as genuine force multipliers, local police could act quickly once they detected suspicious activities. Although the U.S. and EU Member States had different legal systems, they could tailor their efforts to match common concepts and experiences. Noting EUROJUST cooperation with Western Balkan countries to assess the terrorist threat, Langer said the EU would host a conference in Prague May 4 to 5 to allow officials to discuss case studies and enhance cooperation.

-----  
PASSENGER NAME RECORDS SYSTEMS  
-----

¶14. (C) Langer said various Member States had yet to ratify the U.S.-EU Passenger Name Records (PNR) Agreement, but he expected final ratification by the summer. Some parliaments had expressed concerns over data privacy provisions. VP Barrot inquired about the expected timing for a joint U.S.-EU review of the U.S. PNR system, to which Lute responded that DHS was still putting its leadership team in place and officials were still working on a date for the joint review. As for a planned EU PNR system, Langer asserted that various Member States had questioned the value of establishing an EU-wide system. Accordingly, he did not anticipate resolution of this issue during the Czech Presidency. Adding to this information, VP Barrot confirmed that Members of the European Parliament (MEPs) had submitted many questions regarding the proposed Framework Decision for establishing this system.

-----  
EXPLOSIVES, CYBER-CRIME AND CRITICAL INFRASTRUCTURE  
-----

¶15. (U) Warren described a very successful seminar on explosives attended by experts in December 2008 in the Hague and noted that the U.S. and EU had recently prepared a calendar of upcoming expert training events and seminars. As for tangible follow-up, Wainwright said EUROPOL and Spain planned to develop an explosives early warning system this year, to be followed by development of bomb detection markers and a European Explosives Disposal Network. Deputy Secretary Lute described cyber-crime as a major priority for her Department. VP Barrot said the EU had developed an inventory of recognized critical infrastructure within EU Member States. A seminar planned for December would identify best practices to protect such critical infrastructure.

-----  
DATA PRIVACY  
-----

¶16. (C/NF) Minister Langer identified security and personal freedom as two values deserving the utmost attention. Nations had no choice but to succeed in both areas simultaneously. Unfortunately, terrorist attacks not only undermined security but increased pressure on authorities to take actions that could undercut personal freedom, including protection of personal data. He emphasized that the issue of judicial redress remained an important concern for the EU side. The EU also awaited ratification of the Lisbon Treaty before agreeing to a mandate for negotiating a binding international agreement on data privacy. Barrot observed that the High Level Contact Group (HLCG) had delivered considerable results. Yet, lack of provisions in the U.S. Privacy Act to provide access to judicial redress by non-U.S. persons contrasted with the EU system, where laws guaranteed access to judicial redress to all individuals regardless of nationality. He asked that the U.S. amend its Privacy Act to

correct this discrepancy, which he described as a "precondition" to the Commission's seeking a mandate to negotiate the agreed-upon end state of a binding international agreement on data privacy in law enforcement information transfers. (COMMENT: While EU officials had previously voiced concerns over the Privacy Act's scope, this was the first time that a senior EU official had identified amendment of this U.S. statute as a pre-condition for a mandate. Previously, EU officials had used Lisbon Treaty ratification as the sole reason for not proceeding at this time. END COMMENT.)

¶17. (C) In response, Deputy Secretary Lute noted that the U.S. Privacy Act represented only one small part of the overall U.S. system to protect personal data. She explained that the multi-faceted U.S. system provided "effective redress" for all individuals, including access to administrative remedies. For example, the Freedom of Information Act (FOIA), in effect, provided all the protections sought by the EU for its citizens. Lute committed to providing more information on U.S. privacy laws, and she urged that the HLCG complete its important work by the end of the year. AG Holder emphasized that differences in the U.S. and EU systems of protecting personal data did not present genuine problems in implementation. He noted that the U.S. and the EU have shared law enforcement information, including personal data, for years without problems. (COMMENT: In September 2008, the U.S. side provided a matrix that explained in detail the impact of FOIA and other U.S. laws on access by EU citizens to redress. In return, the EU has not provided a substantive response, beyond reiterating that the EU privacy framework provides judicial redress for all individuals, regardless of nationality. END COMMENT.)

¶18. (C/NF) De Kerchove supported VP Barrot's intervention on the need for the U.S. to amend the Privacy Act. He explained that new MEPs, to be elected in June 2009, will play a greater role in EU decision-making on justice and police cooperation under the Lisbon Treaty. (N.B.: The Treaty awaits final ratification by the Czech Republic, Germany, Ireland, and Poland, including a second Irish referendum.) The existence of different treatment between U.S. and non-U.S. persons in basic U.S. privacy legislation would present a "very symbolic difference" to such Parliamentarians. De Kerchove pressed U.S. consideration of an amendment to the Privacy Act as a way to facilitate greater transatlantic sharing of law enforcement information.

¶19. (C/NF) DHS Deputy Secretary Lute responded that the U.S. Privacy Act of 1974 had undergone amendment only once in its 35 year history. Focusing on a symbolic gesture, she countered, would not reinforce a pragmatic goal. As noted previously, the Freedom of Information Act offers protections and opportunities for redress that the EU seeks. Justice Minister Ask of Sweden noted the importance of continuing the very important work of the High Level Contact Group (HLCG). Langer stated that the EU will obtain a negotiating mandate after ratification of the Lisbon Treaty, allowing additional time for preparatory work in the meantime. Both sides should not remain idle. Langer lamented that he could not put a more positive spin on the current situation. (COMMENT: Despite intensive efforts by the Czech Presidency to obtain a Ministerial statement on the work of the HLCG on data privacy, the Commission blocked such a joint declaration on the basis of the Privacy Act issue. END COMMENT.)

¶20. (C/NF) COMMENT: After the Ministerial Meeting, EU officials Faull, de Kerchove, van de Rijt, and Busse met informally with Swartz, Warren, McAnulty, and Bednarz to elaborate on their data privacy views. Faull insisted on the need to deal with the Privacy Act because of considerable public attention on this issue (which, ironically, he and some Commission colleagues had generated in the first place). He offered that the EU would be satisfied with a pledge to undertake best efforts to amend the U.S. Privacy Act "when the Act next undergoes amendment." Swartz advised that opening the Privacy Act to the suggested EU amendment to

cover non-U.S. persons would also open the Act to other changes, some of which might not be to EU liking. He continued that, even before considering seeking a legislative change, the Administration would need to receive a more convincing argument from the EU side than one based largely on a desire for a symbolic gesture. Faull, who has received extensive briefings and a comprehensive matrix on how judicial access in the U.S. is available to anyone, has admitted privately that the concern over the U.S. Privacy Act is symbolic and not a real deterrent to judicial access. END COMMENT.

-----  
VISA WAIVER PROGRAM  
-----

¶21. (C) Langer welcomed progress on the U.S. Visa Waiver Program (VWP), particularly noting last year's entry of the Czech Republic and six other EU Member States. He expressed hope for progress in admitting additional EU Member States not yet in VWP, but also stated concern over proposed legislation before the U.S. Congress. Lute noted the ongoing requirement of U.S. officials to assess the effectiveness of VWP. She stated that the administration planned to maintain a constant dialogue with the U.S. Congress, as part of efforts to assure Members of Congress of measures undertaken to mitigate the risks posed by visa-free travel. Lute commented as well on the need for continued dialogue on closure of the parallel European Commission track on VWP. Noting his status also as a member of the Czech national parliament, Minister Langer said he understood the situation. Nevertheless, he hoped that Congress would not make VWP membership more difficult. VP Barrot expressed hope for progress by Greece and Poland in gaining eligibility for this program. He considered this issue to be one of reciprocity, adding that Greece had not yet ratified either the U.S.-EU Mutual Legal Assistance and Extradition Agreements.

-----  
FRONTEX AGREEMENT  
-----

¶22. (U) Langer welcomed the impending signing of a working arrangement between FRONTEX and DHS. Lute, in turn, extended an invitation for FRONTEX Executive Director Laitinen to travel to Washington for consultations on implementation. Emphasizing that the comprehensive working arrangement complied with all requirements of the current EU legal framework, he urged that DHS and FRONTEX officials follow up quickly to prepare an Action Plan to implement the arrangement that he and Lute would sign that evening

-----  
CHILD PROTECTION  
-----

¶23. (U) Langer described child protection as another high priority of the Czech Presidency. He reported that the EU had revised the 2004 Framework Decision on Child Protection this year to put it on par with a Special Convention on Child Protection prepared and adopted recently by the Council of Europe, based in Strasbourg. (COMMENT: COE agreements often serve as the basis for legislation and agreements prepared by EU officials. END COMMENT.) VP Barrot added that the JHA Council had agreed to two new Framework Decisions on Child Protection and Human Trafficking. The former provides for criminal sanctions against new types of abuse, including bullying and access to objectionable materials and permits child victims to present testimony without having to confront their abusers directly in court. The latter provides for a new Action Plan on human trafficking developed by law enforcement authorities, the private sector, schools, and non-governmental organizations.

¶24. (C) Similarly, AG Holder characterized child protection as a top priority and of keen interest to him personally. He noted that the U.S.-EU Extradition Agreements, once ratified, will update the types of offenses including those related to

abuse of children. Senior Justice Counselor Warren described cooperation by the U.S., EUROJUST, and Member States in investigating networks of criminals that abuse children. An experts group met initially via Digital Video Conference and has scheduled meetings once every three months. In one instance, information developed initially by the EU and involving Norway, Italy, Romania, and the UK led to discovery of links with U.S. criminals. On the U.S. end, Justice, DHS Immigration and Customs Enforcement (ICE), and Postal Service investigators have worked closely together. (COMMENT: Both sides confirmed their commitment to coordinate investigations against international child predator groups. The U.S. and EU have established an effective working group, using the EUROJUST Child Protection Section as a contact point, to share information on offense trends and on forensic capabilities to intercept and break communication of child pornography via the Internet. END COMMENT.)

-----  
INTERNATIONAL COOPERATION  
-----

¶25. (U) VP Barrot praised EU and US efforts to share information on technical assistance to countries of mutual interest, including those in the Western Balkans, whose justice systems suffer from deficiencies that require correcting. INL Counselor McNulty provided a brief overview of U.S. technical assistance projects to third countries, including the Western Balkans. He noted that such efforts involved, close inter-agency coordination and support, including among DOJ, DHS, and DOS officials. Funding provided by the DOS (INL and EUR Bureaus) often served as the catalyst for assignments and temporary travel by operational experts, particularly those from DOJ and DHS, including Resident Legal Advisors, Liaison Officers, and training personnel. He reported that U.S. projects included both bilateral and regional ones, such as support and advice provided to the South East European Cooperation Initiative (SECI) Center in Bucharest and the International Law Enforcement Academy (ILEA) in Budapest. In conclusion, McNulty praised ongoing transatlantic dialogue on technical assistance to ensure these projects complement each other and address the most important priorities. He extended an invitation for EU working level colleagues to travel to Washington to meet with program managers and planners to discuss priorities and projects.

-----  
SWEDISH PRESIDENCY PRIORITIES  
-----

¶26. (U) Swedish Justice Minister Ask previewed the priorities for the Swedish Presidency, which will begin July 1. She noted that her Government will work eagerly on external JHA issues, including enhancement of transatlantic cooperation against organized crime. She expressed hope that the next JHA Ministerial Meeting will finish the important work of the High Level Contact Group on data privacy in anticipation of formal negotiation of a binding agreement. The Swedish Presidency will also prepare and agree upon a five-year JHA Plan of Action for 2009 to 2014, known as the Stockholm Programme, that will follow upon the EU's previous five-year programs, Tampere and Hague. She forecast that the new program would balance vision and pragmatism and accent implementation of existing directives rather than simply adding new regulations. With cooperation among Member States dependent upon mutual trust, she emphasized the need to build the ground-level support from EU citizens. Accordingly, the EU will need to balance security with procedural rights. She listed child protection, efforts against human trafficking, development of common policies on asylum and refugee resettlement, legal migration, promotion of visa-free travel with Balkan nations, and enhancement of the Visa Information System (VIS) as priorities that the EU Presidency will promote. Swedish Minister of Asylum and Migration Billstrom reinforced these points by highlighting the need to prepare for Phase Two of the Common European Asylum Policy, promote greater cooperation with third countries on resettlement of

refugees, encourage legal migration, expand visa policies with non-EU nations, and discuss U.S. VWP further. He added that well-managed migratory flows benefited both the sending and receiving countries and that the United Nations global approach to migration played an important role in managing this phenomenon.

-----  
SIGNING OF AGREEMENTS  
-----

¶27. (U) At the end of the JHA Ministerial Meeting, AG Holder and his counterparts from the Czech and Swedish governments exchanged ratification agreements and signed bilateral protocols for the U.S.-EU Mutual Legal Assistance and Extradition Agreements, which will enter into force upon ratification by all Member States. DHS Deputy Secretary Lute also signed the Working Arrangement with FRONTEX Executive Director Laitinen.

-----  
COMMENT  
-----

¶28. (C) This Ministerial meeting represented the first opportunity under the new Administration for U.S. and EU Cabinet officials to discuss the full range of JHA transatlantic cooperation and priorities. The meeting results reflected the fact that considerable progress has been achieved on most issues, specifically in facilitating EU consensus to allow EU Member States to accept Guantanamo detainees, sharing of counter-terrorism efforts and experts, encouraging ratification of the U.S.-EU mutual legal assistance and extradition agreements, strengthening child protection efforts, and enhancing the ongoing informal dialogue on technical assistance. On data privacy, EU insistence on what even they admit is a symbolic demand to change the U.S. Privacy Act, represented the main disappointment. Additional progress in the HLCG on redress and negotiation of a binding international agreement on data privacy will likely await ratification (or not) of the Lisbon Treaty. In the face of the impending change of the Czech Government, Minister Langer and his Czech colleagues performed credibly under difficult circumstances, attempting to focus on areas of agreement and minimize the impact of the few areas of difference. This Ministerial Meeting has served to set the stage for further progress on transatlantic police and judicial cooperation, migration, and refugees under the upcoming Swedish Presidency. END SUMMARY.

MURRAY